

AO 440 (Rev. 06/12) Summons in a Civil Action

# UNITED STATES DISTRICT COURT

for the

Western District of New York

BENJAMIN HEETER et al.

*Plaintiff(s)*

v.

LETITIA JAMES, In Her Official Capacity As  
Attorney General of The State Of New York  
et al.

*Defendant(s)*

Civil Action No. 24-cv-623

## SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* MICHAEL J. KEANE, in his official capacity as Acting District Attorney for Erie County,  
New York  
Erie County District Attorney's Office  
25 Delaware Avenue  
Buffalo, New York 14202

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Nicolas J. Rotsko, Esq.  
Fluet  
1751 Pinnacle Drive, Suite 1000  
Tysons, VA 22102  
T: (703) 590-1234

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: 7/3/2024



CLERK OF COURT

*Mary Choewenguth*  
Signature of Clerk or Deputy Clerk

*Mary Choewenguth*

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 24-cv-623

## PROOF OF SERVICE

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* **MICHAEL J. KEANE, IN HIS OFFICIAL CAPACITY AS ACTING DISTRICT ATTORNEY FOR ERIE COUNTY, NEW YORK**  
 was received by me on *(date)* **07/12/2024**

- ☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_; or
- ☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or
- ☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
 designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
 on *(date)* \_\_\_\_\_; or
- ☐ I returned the summons unexecuted because \_\_\_\_\_; or

☒ Other *(specify)*: On 07/12/2024 at 3:35 PM, I served this process:  
 By delivering 1 true copy(ies) of the SUMMONS IN A CIVIL ACTION; COMPLAINT to Jocelynn Gonzalez-Front Desk Secretary, AUTHORIZED AGENT and informing him/her of the contents.

My fees are \$ 00.00 for travel and \$ 149.00 for services, for a total of \$ 149.00

I declare under penalty of perjury that this information is true.

Date: 07/12/2024

  
 Server's signature

Anthony Crowley, Process Server

Printed name and title

Patriot Process Service  
 3900 Jermantown Rd, Suite 300  
 Fairfax, VA 22030

Server's address



Additional information regarding attempted service, etc:

Documents: SUMMONS IN A CIVIL ACTION; COMPLAINT

Description of person papers left with:

Sex: Female- Age:40-50- Skin: Light - Hair:Blonde - Height:5ft 4in - 5ft 8in - Weight:131-160

Service Address: 25 DELAWARE AVENUE

City/State/Zip: BUFFALO, NY 14202

Addl Info/Comments: This service took place at the actual place of business in accordance with NY statutes for service. A true copy of this process was also mailed on 7/12/2024 to Michael J. Keane, in his official capacity as acting District Attorney for Erie County, New York at the address above.